

PRETRIAL ORDER REQUIREMENTS
U.S. District Judge Tucker L. Melançon

1. Claims and Responses:

Each party asserting a claim shall identify as to *each* claim: (a) the law and/or any contractual provision supporting the claim; (b) the jurisdictional basis for the claim; (c) the relief for as to each defendant; and (d) the law and/or contractual provision supporting that remedy as to that defendant. **This requirement applies to all counterclaims, cross-claims, third-party claims, and interventions.**

Each party against whom a claim has been asserted shall provide the following information for each claim asserted: (a) the alleged basis for each claim; (b) all affirmative defenses asserted and the legal bases therefor; (c) whether the dispute in question is one of law, and if so the law supporting the response or one of contractual interpretation.

The parties will state whether they have been able to stipulate to the amounts sought to be recovered by intervenor.

FAILURE TO INCLUDE A CLAIM OR DEFENSE IN THE PRETRIAL ORDER WILL CONSTITUTE ABANDONMENT OF THE CLAIM OR OF THE DEFENSE.

2. Procedural History and Posture:

The parties will set out the procedural history of the case, including (a) disposition of motions filed; and (b) a list of any pending motions; and (c) a list of any anticipated motions and the “good cause” which exists to obtain Court authority for the late filing of same based on the deadlines previously established by the Scheduling Order.

3. Estimated Length of Trial:

Indicate the estimated length of trial.

4. Issues of Law:

Identify any TRUE issues of LAW which remain unresolved so that they may be addressed and resolved by the Court at the pretrial conference.

5. Summary of Facts:

Each party will give a brief (i.e., no more than two to three paragraphs) summary of the **specific facts** which support its claim(s) or defense(s).

6. Stipulations:

List all matters to which the parties can stipulate. Counsel are encouraged to stipulate to as many factual and/or legal issues as possible.

7. Witnesses:

Each party will set out a witness list which conforms to the requirements of FED. R. CIV. P. 26(a)(3)(A) and (B).

8. Exhibits:

Each party shall set out an exhibit list which conforms to the requirements of FED. R. CIV. P. art. 26(a)(3)(C).

9. Objections to Witness and Exhibit Lists:

List all objections to the witness or exhibit lists of any other party, including those objections contained in FED. R. CIV. P. 26(a)(3). For all exhibits to which there are objections, the objecting party shall attach a copy of the disputed exhibit to the Pretrial Order. **ANY OBJECTION NOT SPECIFICALLY STATED IN THE PRETRIAL ORDER SHALL BE DEEMED WAIVED BY THE COURT.**

10. For Bench Trials:

The parties shall submit **two** bench books to Judge Melançon's Chambers ten (10) days prior to trial. Any objections to witnesses or exhibits that remain outstanding after the pretrial conference must accompany the bench books or they shall be deemed waived by the Court.

11. For Jury Trials:

In jury trials, joint jury instructions and joint jury interrogatories shall be attached to the Pretrial Order. Where applicable, all jury instructions shall be those provided for in the latest edition of the Fifth Circuit Pattern Jury Instructions and may be identified by pattern instruction number and citation to the volume of the edition used. If counsel are unable to agree as to a specific jury instruction, a separate proposal for each such instruction shall be submitted to the Court with supporting and contravening authority footnoted with pinpoint citations. Counsel are to be prepared to discuss all disputes as to the jury instructions and jury interrogatories at the pretrial conference. A floppy disk or CD-ROM containing jury interrogatories and all non-Fifth Circuit Pattern jury instruction shall accompany the Pretrial Order.

Proposed case specific voir dire questions shall accompany the Pretrial Order.

12. Editing Trial Depositions/Filing Objections:

All depositions to be used at trial, including video depositions, shall be edited to remove non-essential, repetitious, and unnecessary material as well as objections and colloquy of counsel and shall be submitted to Judge Melançon's Chambers ten (10) days prior to trial.

All objections to the deposition(s) shall be briefed and filed with the Clerk of Court with a copy submitted to Judge Melançon's Chambers on or before the ten (10) day deadline, or shall be deemed waived by the Court.

13. Counsel Affirmations:

The Pretrial Order shall contain an affirmation that all counsel are aware that all exhibits are to be published to the jury by way of CD-ROM or the Visual Presenter unless consent is otherwise obtained from the Court at the pretrial conference upon a showing of impracticality or undue prejudice.

Counsel shall also affirm that final good faith settlement negotiations will be engaged in **WITHIN ONE WEEK** prior to the pretrial conference.

Counsel shall advise the Court of the need, if any there be, for handicap provisions which may be provided by the Court.